

UNITED STATES OF AMERICA
Before The
OFFICE OF THRIFT SUPERVISION

In the Matter of)
)
)

ODIE MALONE)
Former Director of)
First City Federal Bank)
for Savings,)
Lucedale, Mississippi)
_____)

Resolution No. DAL-91-124

Dated: August 28, 1991

STIPULATION AND CONSENT TO ISSUANCE
OF ORDER OF PROHIBITION

The Office of Thrift Supervision ("OTS"), by and through its Regional Director for the Midwest Region, and Odie Malone ("Malone") former Director of First City Federal Bank for Savings, Lucedale, Mississippi ("First City"), hereby stipulate and agree as follows:

1. CONSIDERATION

The OTS, based upon information reported to it, is of the opinion that grounds exist to initiate an administrative prohibition proceeding against Malone pursuant to Section 8(e) of the Federal Deposit Insurance Act ("FDIA"), 12 U.S.C. § 1818(e) (1988 & Supp. I 1989), as amended by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, Pub. L. No. 101-73, 103 Stat. 183 ("FIRREA"). Malone desires to cooperate with the OTS and to avoid the time and expense of such administrative litigation and, without admitting or denying that such grounds exist, hereby stipulates and agrees to the following terms in consideration of the forbearance of OTS from initiating such administrative litigation against Malone for prior

violations of a consent and a supervisory agreement entered into with the OTS under circumstances the OTS believes provide grounds for prohibition.

2. JURISDICTION

- (a) First City is a "savings association" within the meaning of Section 3(b) of the FDIA, as amended by FIRREA (to be codified at 12 U.S.C. § 1813(b)) and Section 2(4) of the Home Owners' Loan Act of 1933, 12 U.S.C. § 1462(4) (Supp. I 1989). Accordingly, it is an "insured depository institution" as that term is defined in Section 3(c) of the FDIA, as amended by FIRREA (to be codified at 12 U.S.C. § 1813(c)).
- (b) During all times relevant to the subject matter of this enforcement action, Malone was an "institution-affiliated party" as that term is defined in Section 3(u) of the FDIA, as amended by FIRREA (to be codified at 12 U.S.C. § 1813(u)), in that he served as a director of First City.
- (c) Pursuant to Section 3(q) of the FDIA, as amended by FIRREA, (to be codified at 12 U.S.C. § 1813(q), the OTS is the "appropriate Federal banking agency" to maintain an enforcement proceeding against such a savings association or its institution-affiliated parties. Therefore, Malone is subject to the authority of the OTS to initiate and maintain a prohibition

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proceeding against him pursuant to Section 8(e) of the FDIA,
12 U.S.C. § 1818(e) (1988 & Supp. I 1989).

3. CONSENT

Malone consents to the issuance by the OTS of the accompanying Order of Prohibition ("Order"). He further agrees to comply with its terms upon issuance and stipulates that the order complies with all requirements of law.

4. FINALITY

The Order is issued under Section 8(e) of the FDIA, 12 U.S.C. § 1818(e) (1988 & Supp. I 1989). Upon its issuance by the OTS, it shall be a final order, effective and fully enforceable by the OTS under the provisions of Section 8(i) of the FDIA, 12 U.S.C. § 1818(i) (1988 & Supp. I 1989).

5. WAIVERS

Malone waives his right to a notice of intention to prohibit and the administrative hearing provided by Section 8(e) of the FDIA, 12 U.S.C. § 1818(e) (1988 & Supp. I 1989), and further waives his right to seek judicial review of the Order, including any such right provided by Section 8(h) of the FDIA, 12 U.S.C. § 1818(h) (1988 & Supp. I 1989), or otherwise to challenge the validity of the Order.

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WHEREFORE, in consideration of the foregoing and intending to be legally bound hereby, the Regional Director of the Midwest Region, on behalf of the OTS, and ^{Malone}Malone execute this Stipulation and Consent to Issuance of Order of Prohibition.

OFFICE OF THRIFT SUPERVISION

By: _____ /S/
Billy C. Wood
Regional Director
Midwest Region
Dallas, Texas

By: _____ /S/
*ODIE MALONE

*Execution of this document is contingent on acceptance and execution by Office of Thrift Supervision of the modified version of the Stipulation and Consent to Issuance of Order of Civil Money Penalty Assessment sent with my letter dated August 8, 1991.

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ODIE MALONE))
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Dated: August 28, 1991

ORDER OF PROHIBITION

WHEREAS, Odie Malone ("Malone") has executed a Stipulation and Consent to Issuance to Order of Prohibition ("Stipulation"), which is accepted and approved by the Office of Thrift Supervision ("OTS") acting through its Regional Director for the Midwest Region; and

WHEREAS, Malone, in the Stipulation, has consented and agreed to the issuance of this Order of Prohibition ("Order") pursuant to Section 8(e) of the Federal Deposit Insurance Act ("FDIA"), 12 U.S.C. § 1818(e) (1988 & Supp. I 1989), as amended by the Financial Institution's Reform, Recovery, and Enforcement Act of 1989 ("FIRREA"), Pub. L. No. 101-73, 103 Stat. 183,

NOW THEREFORE, IT IS ORDERED THAT:

1. Malone is prohibited from further participation, in any manner, in the conduct of the affairs of First City Federal Bank for Savings, Lucedale, Mississippi ("First City"), its holding company(ies), or service corporation(s).
2. Without the prior written approval of the Regional Director for the Midwest Region and, if appropriate, another Federal financial institutions regulatory agency, Malone may not hold any office

